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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 American Express National Bank,

10 Plaintiff,

11 v.

12 Geremy Richards, et al.,

13 Defendants.
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No. CV-23-00329-PHX-MTL

ORDER

15 This action originated in the Kyrene Justice Peace Court because Plaintiff,
16 American Express National Bank, alleges that Defendant, Geremy Richards, is delinquent
17 on his credit card debt. Defendant removed the action to this Court on the basis of a federal
18 defense, viz., “Defendant is in fact a Federally protected consumer as defined in Title 15
19 U.S. Code § 1692a(3) and as such reserves the right to validate all alleged claims of debt
20 obligations pursuant to Title 15 U.S. Code § 1692g.” (Doc. 1)

21 Federal courts are courts of limited jurisdiction. As such, this Court has an
22 affirmative obligation to determine *sua sponte* whether it has subject matter jurisdiction.
23 *Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 552 (2005). It is well-settled
24 law that a defendant cannot invoke federal subject matter jurisdiction based on his assertion
25 of a federal defense. *Caterpillar Inc. v. Williams*, 482 U.S. 386 (1987). That is precisely
26 what Mr. Richards has done here. And there is no other basis for subject matter jurisdiction.

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1 Accordingly,

2 IT IS ORDERED:

3 1. This case is remanded to the Kyrene Justice Court.

4 2. Defendants Application to Proceed *In Forma Pauperis* is **denied** as moot.

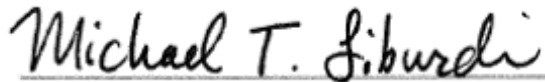
5 (Doc. 2)

6 3. Defendant's Motion for More Definite Statement is **denied** as moot. (Doc.

7 8)

8 4. The Clerk of Court is instructed to close this case.

9 Dated this 29th day of March, 2023.

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12 Michael T. Liburdi
13 United States District Judge
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